

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MADISON CONSTRUCTION
COMPANY**

v.

**TURNER CONSTRUCTION
COMPANY**

: CIVIL ACTION

:

:

: NO. 19-2580

:

:


:

ORDER

AND NOW, this 5th day of November 2019, upon considering the Defendant's Motion to dismiss, for summary judgment, or alternatively for leave to file a third party Complaint (ECF Doc. No. 28), Plaintiff's Opposition (ECF Doc. No. 30), and for reasons in the accompanying Memorandum, it is **ORDERED** Defendant's Motion (ECF Doc. No. 28) is **GRANTED in part** and **DENIED in part**:

1. Defendant's Motion to dismiss or for summary judgment (ECF Doc. No. 28) is **DENIED**; and,

2. Defendant's Motion for leave to file a third-party Complaint (ECF Doc. No. 28) is **GRANTED** with leave to file a third-party Complaint no later than **November 12, 2019** with prompt personal service under Fed.R.Civ.P. 4(h) of the Summons, third-party Complaint and our Orders to date without a request for waiver of service otherwise allowed under Fed.R.Civ.P. 4(d).



KEARNEY, J.